



IFW

PATENT  
Customer No. 22,852  
Attorney Docket No. 07579.0005-06000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Graham Edmund KELLY ) Group Art Unit: 1654  
Application No.: 10/799,022 ) Examiner: Not Yet Assigned  
Filed: March 11, 2004 ) Confirmation No. 7571  
For: METHOD OF CHOLESTEROL )  
REDUCTION USING )  
ISOFLAVONES )

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

These documents, as summarized in the chart below, are U.S. Patents and U.S. applications that are possibly related to the pending application by subject matter.

U.S. Patent or Application Number	Attorney Docket Number	Title	Examiner
09/602,191	07579.0001-00000	Health Supplements Containing Phyto-Oestrogens, Analogues or Metabolites Thereof	Patrick T. Lewis

U.S. Patent or Application Number	Attorney Docket Number	Title	Examiner
6,146,668	07579.0003-00000	Preparation of Isoflavones from Legumes	
09/546,565	07579.0003-01000	Isoflavone Compositions Produced by Improved Methods	Deborah K. Ware
6,562,380 B1	07579.0005-00000	Method for Treating or Reducing Predisposition to Breast Cancer, Pre-Menstrual Syndrome or Symptoms Associated with Menopause by Administration of Phyto-Estrogen	
6,497,906 B1	07579.0005-01000	Dietary Supplements Comprising Soy Hypocotyls Containing at Least One Isoflavone	
6,642,212 B1	07579.0005-02000	Health Supplements Containing Phyto-Oestrogens, Analogues or Metabolites Thereof	
10/274,371 (2003-0078214)	07579.0005-03000	Dietary Supplements Comprising Soy Hypocotyls Containing At Least One Isoflavone	Patrick T. Lewis
10/611,087 (2004-0048812)	07579.0005-04000	Health Supplements Containing Phyto-Oestrogens, Analogues or Metabolites Thereof	Devesh Khare
10/611,151 (2004-0106561)	07579.0005-05000	Health Supplements Containing Phyto-Oestrogens, Analogues or Metabolites Thereof	Not Yet Assigned

<b>U.S. Patent or Application Number</b>	<b>Attorney Docket Number</b>	<b>Title</b>	<b>Examiner</b>
10/799,022 (2004-0170713) (the instant application)	07579.0005-06000	Methods of Cholesterol Reduction Using Isoflavones	Not Yet Assigned
6,340,703	07579.0006-00000	Treatment or Prevention of Osteoporosis	
09/986,509	07579.0006-01000	Treatment or Prevention of Menopausal Symptoms	Edward J. Webman
6,649,648 B1	07579.0007-00000	Therapeutic Methods and Compositions Involving Isoflavones	
10/176,762 (2002-0198248)	07579.0007-01000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
10/177,387 (2003-0018060)	07579.0007-02000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
10/636,902	07579.0007-03000	Therapeutic Methods and Compositions Involving Isoflavones	Jennifer M. Kim
6,004,558	07579.0008-00000	Methods for Treating Cancer with Legume Plant Extracts	
6,455,032 B1	07579.0012-00000	Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage	
10/212,847 (2003-0059384)	07579.0012-01000	Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage	Shelley Dodson

U.S. Patent or Application Number	Attorney Docket Number	Title	Examiner
Not Yet Assigned	07579.0012-02000	Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage	Not Yet Assigned
6,599,536 B1	07579.0013-00000	Therapy of Estrogen-Associated Disorders	
10/459,537 (2003-0219499)	07579.0013-01000	Therapy of Estrogen-Associated Disorders	Michele Flood
10/851,270	07579.0014-01000	Production of Isoflavone Derivatives	Not Yet Assigned
10/600,004 (2004-0072765)	07579-0015-01000	Cardiovascular And Bone Treatment Using Isoflavones	Not Yet Assigned
10/704,385 (2004-0147551)	07579.0016-01000	Compositions and Therapeutic Methods Involving Isoflavones and Analogs Thereof	Not Yet Assigned
10/181,549 (2003-0157225)	07579.0017-00000	Food Product and Process	James Wilson
10/250,858 (2004-0116498)	07579.0018-00000	Regulation of Lipids and/or Bone Density and Compositions Therefore	Not Yet Assigned
10/469,957	07579.0019-00000	Dimeric Isoflavones	Not Yet Assigned
10/471,668	07579.0020-00000	Treatment of Restenosis	Not Yet Assigned
10/493,390	07579.0021-00000	6-Hydroxy isoflavones, derivatives and medicaments involving same	Not Yet Assigned

Copies of the listed documents, including any copending patent applications, are attached unless they were previously provided in the U.S. Patent Application No. 10/611,087, filed on July 2, 2003, upon which Applicant relies for the benefits provided in 35 U.S.C. § 120.

To facilitate the Examiner's review of these documents and avoid the wasteful reproduction of specifications in view of the existence of related cases, Applicant submits only one specification for a set of related cases together with the claims issued or pending. Thus, in the 0001 family, Applicant provides the application as filed and a set of pending claims. In the 0003 family, Applicant submits the 0003-00 specification and claims, but only the set of pending claims for 0003-01. In the 0005 family, Applicant provides the specification for all patents and applications and also the set of pending claims for 0005-03, 0005-04, and 0005-05. In the 0006 family, Applicant submits the 0006-00 specification and claims, but only the set of pending claims for 0006-01. In the 0007 family, Applicant submits the specifications for 0007-00, 0007-01, and 0007-02, but only the set of pending claims for 0007-03. For 0008-00, Applicant submits U.S. Patent No. 6,004,558. In the 0012 family, Applicant submits the specifications for 0012-00, 0012-01 and 0012-02 and a set of pending claims for 0012-01 and 12-02. In the 0013 family, Applicant submits the specifications and claims for 0013-00 and 0013-01, and a set of pending claims for 0013-01. In 0014-01, 0015-01 and 0016-01, 0018-00, 0019-00 and 0021-00 Applicant provides the applications as filed. In the 0017-00, Applicant provides the specification as filed and a set of pending claims. In the 0020-00, Applicant provides the application as filed and a set of pending claims. Should the Examiner wish to see copies of any documents not provided here, please advise the undersigned at the number below.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim

in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

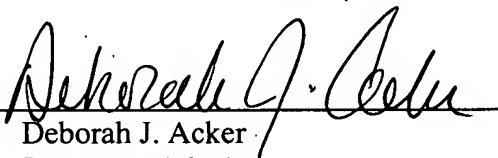
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

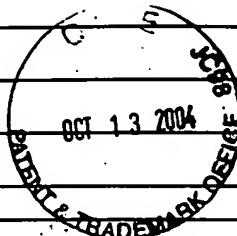
Dated: October 12, 2004

By:

  
Deborah J. Acker  
Reg. No. 48,916

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07579.0005-06000	Appln. No.	10/799,022
Applicant	KELLY		
Filing Date	March 11, 2004	Group:	1654



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue/ Publication Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,004,558	Dec. 21, 1999	THURN et al.			Feb. 25, 1998
	6,146,668	Nov. 14, 2000	KELLY et al.			Apr. 27, 1997
	6,340,703	Jan. 22, 2002	KELLY			Jun. 2, 1998
	6,455,032 B1	Sep. 24, 2002	KELLY et al.			Jun. 23, 2000
	6,497,906 B1	Dec. 24, 2002	KELLY			Apr. 11, 2000
	6,562,380 B1	May 13, 2003	KELLY			Aug. 13, 1997
	6,599,536 B1	Jul. 29, 2003	KELLY et al.			Dec. 5, 2000
	6,642,212 B1	Nov. 4, 2003	KELLY			Oct. 19, 1999
	6,649,648 B1	Nov. 18, 2003	KELLY et al.			Aug. 5, 1999
	2002-0198248 A1	Dec. 26, 2002	KELLY et al.			
	2003-0018060 A1	Jan. 23, 2003	KELLY et al.			
	2003-0059384 A1	Mar. 27, 2003	KELLY et al.			
	2003-0078214 A1	Apr. 24, 2003	KELLY			
	2003-0157225 A1	Aug. 21, 2003	Husband et al.			
	2003-0219499 A1	Nov. 27, 2003	KELLY et al.			
	2004-0048812 A1	Mar. 11, 2004	KELLY			
	2004-0072765 A1	Apr. 15, 2004	KELLY et al.			
	2004-0106561 A1	Jun. 3, 2004	KELLY			
	2004-0116498 A1	Jun. 17, 2004	HUSBAND			
	2004-0147551 A1	Jul. 29, 2004	HEATON et al.			
	09/546,565 - pending claims		KELLY et al.			Apr. 11, 2000
	09/602,191 - pending claims		KELLY			Jun. 22, 2000

Examiner	Date Considered
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Initial*	Document Number	Issue/ Publication Date	Name	Class	Sub Class	Filing Date If Appropriate
	09/986,509 - pending claims		KELLY			Nov. 9, 2001
	10/176,762 - pending claims		KELLY et al.			Jun. 21, 2002
	10/177,387 - pending claims		KELLY et al.			Jun. 21, 2002
	10/181,549 - pending claims		Husband et al.			Nov. 7, 2002
	10/212,847 - pending claims		KELLY et al.			Aug. 5, 2002
	10/274,371 - pending claims		KELLY			Oct. 21, 2002
	10/459,537 - pending claims		KELLY et al.			Jun. 12, 2003
	10/469,957 - WO 02/070502		Husband et al.			Sep. 8, 2003
	10/471,668 - WO 02/074307 and pending claims		Husband et al.			Sep. 15, 2003
	10/493,390 - WO 03/035635		KELLY et al.			Apr. 24, 2004
	10/611,087 - pending claims		KELLY			Jul. 2, 2003
	10/611,151 - pending claims		KELLY			Jul. 2, 2003
	10/636,902 - pending claims		KELLY et al.			Aug. 6, 2003
	10/851,270 - WO 00/49009		HEATON et al.			May 20, 2004

Examiner	Date Considered
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce

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Applicant	KELLY		
Filing Date	March 11, 2004	Group:	1654

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	U.S. Patent Application entitled "Composition and Method for Protecting Skin from UV Induced Immunosuppression and Skin Damage," filed on September 21, 2004, as a Continuation Application of U.S. Patent Application No. 10/212,847, filed August 5, 2002. (specification as filed - WO 99/36050; and pending claims after Preliminary Amendment of September 21, 2004)

Examiner	Date Considered
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Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce